

ATTORNEY DOCKET NUMBER  
017575.0493 (TAMUS 1561)

PATENT APPLICATION  
Serial No. 10/027,943

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: CULP, et al.  
Serial No.: 10/027,943  
Filed: December 20, 2001  
Group No.: 2125  
Examiner: Albert W. Paladini  
For: SYSTEM AND METHOD FOR DIAGNOSTICALLY  
EVALUATING ENERGY CONSUMPTION SYSTEM  
AND COMPONENTS

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND  
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)

THE TEXAS A&M UNIVERSITY SYSTEM represents that it is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 10/027,943, filed on December 20, 2001, entitled *System and Method for Diagnostically Evaluating Energy Consumption System and Components*, as indicated by an Assignment recorded on December 20, 2001 by the United States Patent and Trademark Office, a copy of the recorded assignment and relevant pages of the Exhibits to the assignment are attached hereto; and certifies that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and

DAL01:869724.1 Terminal Disclaimer for USSN: 10/027,943

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11/25/2005 CNGUYEN 00000063 10027943

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ATTORNEY DOCKET NUMBER  
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PATENT APPLICATION  
Serial No. 10/027,943

2

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

THE TEXAS A&M UNIVERSITY SYSTEM hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of U.S. application serial No. 10/004,985 filed December 3, 2001, . Notice of Allowance received August 18, 2005, also assigned to and owned by said THE TEXAS A&M UNIVERSITY SYSTEM as indicated by the Assignment executed on November 15, 2001 and November 19, 2001, forwarded to the U.S. Patent and Trademark Office, recorded on December 3, 2001, on Reel 12361, Frame 0283, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. application serial No. 10/004,985, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

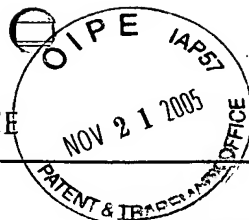
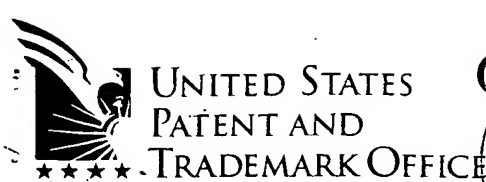
Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. application serial No. 10/004,985, in the event that one or more of the following occurs: U.S. application serial No. 10/004,985 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The fee of \$65.00 required by 37 C.F.R. 1.20(d) for small entity is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

11/15/2005  
Date

Guy K. Diedrich by  
Guy K. Diedrich Linda L. Ravey



017575.0493

MAY 10, 2002

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

BAKER BOTTS L.L.P.  
THOMAS A. BEATON  
2001 ROSS AVE.  
SUITE 600  
DALLAS, TX 75201-2980

PTAS

**CORRECTED  
NOTICE**



\*102078875A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/20/2001

REEL/FRAME: 012413/0587  
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CULP, CHARLES H.

DOC DATE: 11/15/2001

ASSIGNOR:

CLARIDGE, DAVID E.

DOC DATE: 11/16/2001

ASSIGNOR:

HABERL, JEFFREY S.

DOC DATE: 11/29/2001

ASSIGNOR:

TURNER, WILLIAM D.

DOC DATE: 11/19/2001

ASSIGNOR:

LIU, MINGSHENG

DOC DATE: 12/04/2001

ASSIGNEE:

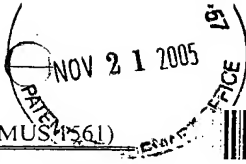
TEXAS A&M UNIVERSITY SYSTEM, THE  
707-A TEXAS AVENUE, SUITE 201  
COLLEGE STATION, TEXAS 77840

012413/0587 PAGE 2

SERIAL NUMBER: 10027943  
PATENT NUMBER:

FILING DATE: 12/20/2001  
ISSUE DATE:

DOROTHY RILEY, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



05-01-2002



ATTORNEY DOCKET: 017575.0493 (TAMUS 4561)

Sheet 1 of 2

FORM PTO 1595

1-31-92

RECOR

PATENT'S ONLY

102078875

S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name and Address of Conveying Party(ies) INDIVIDUAL:

Charles H. Culp  
4577 Sandpiper Cove  
College Station, Brazos County, Texas 77845Individual Citizenship: United States of America  
Date of Execution: November 15, 2001

Additional name(s) of conveying party(ies) attached?

☒ Yes ☐ No

## 3. Nature of conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other	

Execution Date: November 15, 2001; November 16, 2001;  
November 19, 2001; November 29, 2001; and December 4, 2001

## 2. Name and Address of receiving Party(ies):

Name: The Texas A&amp;M University System

Internal Address:

Street Address: 707-A Texas Avenue, Suite 201

City: College Station

State: Texas Zip: 77840

Additional name(s) &  
Address(es) attached?☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: : November 15, 2001; November 16, 2001; November 19, 2001; November 29, 2001; and December 4, 2001

## A. Patent Application No.(s):

10027943

## B. Patent No.(s):

Additional Numbers ☐ Yes ☐ No

## 5. Name and address of party to whom correspondence concerning document should be mailed to:

Name: Thomas A. Beaton  
Internal Address: BAKER BOTTS L.L.P.  
Street Address: 2001 Ross Avenue, Suite 600  
City: Dallas  
State: Texas Zip: 75201-2980

## 6. Total number of application and patents involved: One

## 7. Total Fee (37C.F.R. 3.41): \$40.00

☒ Enclosed  
☐ Authorized to be charged to deposit account

## 8. Deposit Account Number:

(Attach Duplicate Copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Thomas A. Beaton

Signature

December 20, 2001

Date

Total number of pages including cover sheet

8

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information:

01/04/2002 6TOM11 00000114 10027943

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Washington, D.C. 20231

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Name and Address of Conveying Parties (Continued):

2. David E. Claridge  
1500 Lynx Cove  
College Station, Brazos County, Texas 77840  
Citizenship: United States of America  
Date of Execution: November 16, 2001
3. Jeffrey S. Haberl  
3007 Bolero  
College Station, Brazos County, Texas 77845  
Citizenship: United State of America  
Date of Execution: November 29, 2001
4. William D. Turner  
9102 Waterford Dr.  
College Station, Brazos County, Texas 77845  
Citizenship: United States of America  
Date of Execution: November 19, 2001
5. Mingsheng (nmi) Liu  
17569 Y Street  
Omaha, Douglass County, Nebraska 68135  
Citizenship: China  
Date of Execution: December 4, 2001

ATTORNEY DOCKET NUMBER  
017575.0493

PATENT  
10/027,943



2002 APR 18 AM 10:41 1

FINANCE SECTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles H. Culp et al.  
Serial No.: 10/027,943  
Filing Date: December 20, 2001  
Title: SYSTEM AND METHOD FOR DIAGNOSTICALLY  
EVALUATING ENERGY CONSUMPTION SYSTEMS AND  
COMPONENTS OF A FACILITY

U. S. Patent and Trademark Office  
Assignment Division  
Box Assignments  
CG-4  
1213 Jefferson Davis Hwy  
Suite 320  
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on an envelope addressed to: U.S. Patent and Trademark Office, Assignment Division, Box Assignments, CG-4, 1213 Jefferson Davis Hwy, Suite 320, Washington, D.C. 20231, on the date shown below.

Name

Date

Dear Sir:

**REQUEST FOR CORRECTED NOTICE OF RECORDATION OF ASSIGNMENT  
DOCUMENT DUE TO U.S. PATENT AND TRADEMARK ERROR**

Enclosed is the original Notice of Recordation of Assignment Document, Assignment Cover Sheet Form PTO-1595, and the original Assignment Document for which a correction is requested.

The DOC DATE of the fourth Assignee is listed incorrectly on The Notice of Recordation of Assignment Document. Please delete "11/29/2001" and insert -11/19/2001--.

ATTORNEY DOCKET NUMBER  
017575.0493

PATENT  
10/027,943

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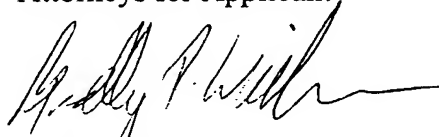
Issuance of a corrected Notice of Recordation of Assignment Document is respectfully requested.

While it is believed that this is not an error by the Applicant, the Commissioner is hereby authorized to charge any fees for this correction to Deposit Account No. 02-0384 in the name of Baker Botts, L.L.P.

Respectfully submitted this 11<sup>th</sup> day of April, 2002.

BAKER BOTTS, L.L.P.

Attorneys for Applicant



Bradley P. Williams

Reg. No. 40,227

214.953.6447

2001 Ross Avenue, Suite 600  
Dallas, Texas 75201-2980

(acc)



ASSIGNMENT

**WHEREAS**, I, the undersigned joint inventor of residence as listed, having invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application filed herewith, entitled **System and Method for Diagnostically Evaluating Energy Consumption Systems and Components of a Facility**; and

**WHEREAS**, The Texas A&M University System (hereinafter referred to as "Assignee"), a non-profit organization and an agency of the State of Texas, with an address of 707-A Texas Avenue, Suite 201, College Station, Texas 77840, desires to acquire my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

**NOW, THEREFORE**, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I assign to Assignee, all right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to Assignee.

I also assign to Assignee, all right, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and I further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

I will communicate to Assignee any facts known to me respecting any improvements; and, at the expense of Assignee, I will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in

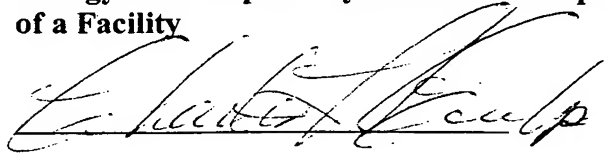
Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Title of Invention:

**System and Method for Diagnostically Evaluating  
Energy Consumption Systems and Components  
of a Facility**

Signature of Joint Inventor:



Inventor's Name:

Charles H. Culp

Residence (City, County, State)

4577 Sandpiper Cove  
College Station, (Brazos County), Texas 77845

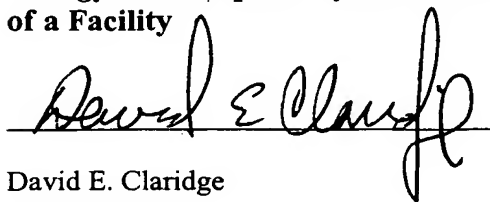
Date Assignment executed

11/15/01

Title of Invention:

**System and Method for Diagnostically Evaluating  
Energy Consumption Systems and Components  
of a Facility**

Signature of Joint Inventor:



Inventor's Name:  
Residence (City, County, State)

David E. Claridge  
1500 Lynx Cove  
College Station (Brazos County), Texas 77840

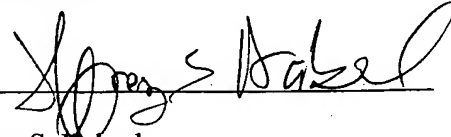
Date Assignment executed

November 16, 2001

Title of Invention:

**System and Method for Diagnostically Evaluating  
Energy Consumption Systems and Components  
of a Facility**

Signature of Joint Inventor:

  
\_\_\_\_\_

Inventor's Name:

Jeffrey S. Haberl

Residence (City, County, State)

3007 Bolero  
College Station (Brazos County), Texas 77845

Date Assignment executed

\_\_\_\_\_  
11/29/01

Title of Invention;

**System and Method for Diagnostically Evaluating  
Energy Consumption Systems and Components  
of a Facility**

Signature of Joint Inventor:

W. D. Turner

Inventor's Name:

William D. Turner

Residence (City, County, State)

9102 Waterford Dr.  
College Station (Brazos County), Texas 77845

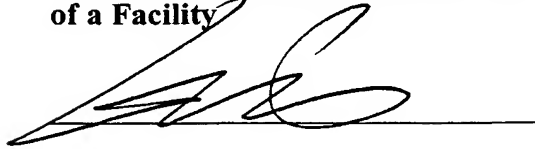
Date Assignment executed

November 19, 2001

Title of Invention:

**System and Method for Diagnostically Evaluating  
Energy Consumption Systems and Components  
of a Facility**

Signature of Joint Inventor:



Inventor's Name:

Mingsheng (nmi) Liu

Residence (City, County, State)

17569 Y Street  
Omaha (Douglass County), Nebraska 68135

Date Assignment executed

12/04/01

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